IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :
THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 1189 of 2004(N)

PETITIONERS:
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1. THOMAS ABRAHAM,
S/O.THOMAS, AGED 74 YEARS,
MITTATHUMOOTTIL HOUSE,
MAMALA.P.O.
2. C.T.ABRAHAM, S/O.THOMAS,
AGED 59 YEARS, KALLARAYIL,
MAMALA.P.O.,
BY ADV. SRI.T.H.ABDUL AZEEZ

RESPONDENTS:
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1. KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY MEMBER SECRETARY,
PATTOM.P.O.,
THIRUVANANTHAPURAM.
2. THIRUVANIYOOR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
THIRUVANIYOOR.P.O.,
PUTHENKURISU,
PIN 682 308.
3. KERALA RUBBER AND RECLAIMS LTD.,
MAMALA, REPRESENTED BY ITS MANAGING
DIRECTOR, CARMEL CENTRE,
BANAERJI ROAD,
KOCHI-18.
*4.M/S. KERALA RUBBER AND RECLAIM
EMPLOYEES CONGRESS (REGN.9/74)
ERNAKULAM (DT) - 682 305, RE. BY ITS VICE PRESIDENT
SRI.B. VIJAYAN, S/O. BHASKARAN.

BY ADV. SRI.PHILIP T.VARGHESE FOR R2.
SRI.THOMAS T.VARGHESE
SRI.G.GOPAKUMAR,SC, KSPCB
SRI.P.JACOB VARGHESE FOR R3
SRI.VIVEK VARGHESE P.J.
SRI.C.K.ABDUL RAHIM
SRI.BABU JOSEPH KURUVATHAZHA,SC,POLU.C. FOR R1

*ADDL. R4 IS IMPLEADED AS PER ORDER DATED 14.10.2004 IN I.A.11606/04

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE COMPLAINT MADE BY THE PETITIONERS AND OTHERS TO THE CHAIRMAN OF THE 1ST RESPONDENT DATED 6.3.2003.

EXT.P2: COPY OF THE NOTICE DATED 30.5.2003 ISSUED BY THE 2ND RESPONDENT TO THE 1ST PETITIONER.

EXT.P3: COPY OF THE MINUTES OF THE HEARING HELD ON 2.8.03 BY THE MEMBER SECRETARY.

RESPONDENT'S EXHIBITS:

EXT.R3(a): COPY OF CERTIFICATE ISSUED BY POLLUCHEM LABORATORIES DTD. 28.4.03.

EXT.R3(b): COPY OF CERTIFICATE DTD. 5.6.2003 ISSUED BY POLLUCHEM LABORATORIES.

EXT.R3(c): COPY OF CONSENT LETTER NO.PCB/AIF/1272/2001 DTD 13.9.2001.

EXT.R3(d): COPY OF REPRESENTATION DTD 9.10.2001 BEFORE chief ENVIRONMENTAL ENGINEER OF KSPCB.

EXT.R3(e): COPY OF APPLICATION BEFORE THE 1ST RESPONDENT DTD 5.3.2002.

EXT.R3(f): COPY OF REPRESENTATION DTD 27.9.2002.

EXT.R3(g): COPY OF LETTER NO. PCB/EK/AIR/482/2001 DTD 2.1.2003.

EXT.R3(h): COPY OF REPRESENTATION FILED BY 3RD RESPONDENT BEFORE THE 1ST RESPONDENT DTD 17.2.2003.

EXT.R3(i): COPY OF REPRESENTATION DTD.23.6.2003 BEFORE THE 1ST RESPONDENT.

EXT.R3(j): COPY OF JUDGMENT IN W.P.(C).22838/03 DTD 17.7.2003.

EXT.R3(k): COPY OF ORDER NO.PCB/CK/AIR/482/2001 DTD 11.11.2003.

EXT.R3 (k-a): COPY OF JUDGMENT IN CONT.CASE ©.NO.34/2004 DTD 5.3.2004.

EXT.R3(l): COPY OF ORDER NO.PCB/L/2022/2004 DTD 22.5.2004 BY CHAIRMAN, KSPCB.

EXT.R3(m): COPY OF REPRESENTATION BEARING NO.MD/PRU/073/A DTD 27.5.2004.

EXT.R3(n): COPY OF LETTER DTD 24.8.04 BY THE PETITIONER TO THE CHAIRMAN, POLLUTION CONTROL BOARD.

EXT.R2: COPY OF ORDER DATED 29.7.05 ISSUED BY THE 1ST RESPONDENT.

EXT.R2(a): COPY OF THE ORDER DATED 16.1.2006.

EXT.R2(b): COPY OF THE NOTICE DATED 12.9.2006 ISSUED BY THE 2ND RESPONDENT.

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BKN // TRUE COPY//

P.A. TO JUDGE.

KURIAN JOSEPH, J.

W.P.(C). NO. 1189 OF 2004

Dated this the 6th day of June, 2007.

J U D G M E N T

Petitioners approached this Court alleging pollution caused by the 3rd respondent. It is submitted that since 3rd respondent has not complied with the directions issued by the 1st respondent in the matter of reconstruction of chimney, there is serious pollution.

2. Hence, there will be a direction to respondents 1 and 2 to look into the matter and see whether there is any pollution caused by the 3rd respondent. If there is any pollution, respondents 1 and 2 shall take appropriate action in accordance with law to see that the 3rd respondent does not cause any pollution. Needful shall be done within four months from the date of production of a copy of this judgment.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp